

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ALLURERA MARTIN,

Plaintiff,

V.

STATE OF GEORGIA, *et al.*,

Defendants.

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NO. 5:23-cv-00225-TES-MSH

ORDER

Plaintiff Allurera Martin, a prisoner in Lee Arrendale State Prison in Alto, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983.¹ Compl., ECF No. 1. Plaintiff also filed a motion for leave to proceed in this action *in forma pauperis*. Mot. for Leave to Proceed *In Forma Pauperis*, ECF No. 2; Prisoner Trust Fund Account Statement, ECF No. 4. Thereafter, Plaintiff's motion to proceed *in forma pauperis* was granted, and Plaintiff was ordered to pay an initial partial filing fee of \$9.17. Order, ECF No. 5. Plaintiff was given fourteen days to pay the initial partial filing fee and was cautioned that her failure to do so may result in the dismissal of this action. *Id.*

More than fourteen days passed following entry of that order, during which Plaintiff did not pay the initial partial filing fee or otherwise respond to the Court's order for her to do so. Therefore, Plaintiff was ordered to show cause to the Court why this case should

¹When Plaintiff filed this case, she was in Pulaski State Prison in Hawkinsville, Georgia, but she recently filed a notice indicating that she is currently in Lee Arrendale State Prison. See Notice of Change of Address, ECF No. 9.

not be dismissed for failure to comply with the Court's previous order to pay the initial partial filing fee. Order to Show Cause, ECF No. 6.

Plaintiff has now filed a response asserting that she has given notice to prison officials regarding the order but that she is limited in what she can do as a prisoner. Response, ECF No. 8. Plaintiff states that the order to pay the initial partial filing fee said that it was her custodian's responsibility to make the monthly payments. *Id.* Plaintiff further states that the money is in her account and is available to pay the fee. *Id.* Plaintiff's response is construed as a motion for an extension of time to pay the initial partial filing fee.

The motion is **GRANTED**. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this order to pay the initial partial filing fee as previously ordered. As Plaintiff was previously instructed, while it is her custodian's responsibility to make the subsequent monthly payments, it is Plaintiff's responsibility to make arrangements to have the initial partial filing fee paid from her account.

It is not clear from Plaintiff's response what efforts she has made to have this payment made. Regardless, if Plaintiff has attempted to have the fee paid and has encountered difficulty, she is instructed to show this order to the proper prison official when attempting to have the fee paid. If she is still unable to have the initial partial filing fee paid, Plaintiff must, within that same fourteen-day period, inform the Court in writing as to the efforts she has made to have the initial partial filing fee paid from her account, including the names of any prison officials she has spoken to with regard to the payment, the dates on which she spoke to these officials, and the response that she received. If

Plaintiff receives a written response with regard to her request, Plaintiff must provide this Court with a copy of that response.

SO ORDERED, this 20th day of September, 2023.

/s/ Stephen Hyles

UNITED STATES MAGISTRATE JUDGE